

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RUSSELL STANTON,

Petitioner

v.

BOULDER CITY JUSTICE COURT, et al.,

Respondents

Case No.: 2:20-cv-00825-APG-VCF

Order

Petitioner Russell Stanton, a pre-trial detainee, has submitted a *pro se* petition for writ of habeas corpus 28 U.S.C. § 2241. ECF No. 1-1. He has not either paid the \$5.00 filing fee or submitted a completed application to proceed *in forma pauperis* with the required inmate account statements for the past sixth months and financial certificate. *See* 28 U.S.C. § 1915(a)(2); Local Rule LSR1-2. Accordingly, this matter has not been properly commenced.

A federal court will not grant a state prisoner's petition for habeas relief until the prisoner has exhausted his or her available state remedies for all claims raised. *Rose v. Lundy*, 455 U.S. 509 (1982); 28 U.S.C. § 2254(b). Stanton indicates on the face of his petition that he has not presented his claims, to the extent that he presents any viable claims, to the highest state court. Finally, it does not appear from the papers that a dismissal without prejudice will materially affect a later analysis of any timeliness issue with regard to a new action filed in a timely manner after Stanton has exhausted all available state remedies. Stanton at all times remains responsible for properly exhausting his claims, for calculating the running of the federal limitation period as applied to his case, and for properly commencing a timely-filed federal habeas action. In any event, the petition is dismissed without prejudice as improperly commenced.

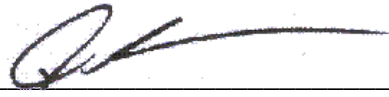
1 I THEREFORE ORDER the Clerk to detach and file the petition (ECF No. 1-1).

2 I FURTHER ORDER that this action is **DISMISSED** without prejudice as improperly
3 commenced.

4 I FURTHER ORDER that a certificate of appealability is denied, as jurists of reason
5 would not find the dismissal of this improperly commenced action debatable.

6 I FURTHER ORDER the Clerk to enter judgment accordingly and close this case.

7 Dated: May 28, 2020

8 

9 U.S. District Judge Andrew P. Gordon
10
11
12
13
14
15
16
17
18
19
20
21
22
23